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ABSTRACT

Drawing from the explicit statutory provisions found in the "community college law" of each state, this report examines the legal responsibilities of local community college governing boards. After discussing the number of private and public two-year colleges with local boards, the report examines the boards' legal status as corporations which are formed either by constitutional provision, state charter, statutory enactment, or district action and can act only as a unit. Twenty principal powers usually accorded to boards under state law are then outlined, including the authority to elect officers, establish institutional policy, and act as a court of appeals within the college. Next, state guidelines are delineated for board membership, meetings, and trustee reimbursement. The personal and corporate liabilities of trustees are then discussed, as are related statutes that define board liability, provide immunity, and require liability insurance. After examining the role of the president vis-a-vis the board, the report delineates: (1) the number of private two-year colleges in each state; (2) the number and type of public community colleges and campuses within each state and whether these schools have local governing boards; (3) community college governance structures in all 50 states; (4) principal expressed, implied, mandatory, and permissive rights of governing boards in the states with boards; and (5) express titles, designation, and composition of the boards. (JP)

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PATTERNS OF RESPONSIBILITY:

STATUTORY REQUIREMENTS OF COMMUNITY COLLEGE LOCAL BOARDS OF TRUSTEES

By

Marshall W. McLeod

June 5, 1979

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Association of Community College Trustees

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Patterns of Responsibility:
Statutory Requirements of Community College Local Boards of Trustees
By
Marshall W. McLeod

There are two preeminent objectives of community college boards: to keep in business and out of the courts. Both are difficult and recent developments do not augur well for their improvement.

Each year thousands of individual trustees strive to make decisions that effectively deal with whatever new issues have been presented and at the same time attempt to fulfill the basic duties and responsibilities of their office. Too frequently the new problem of the day tends to obscure the basic functions of the trustee. Recognizing the importance of providing a perspective regarding the powers, duties, and responsibilities of community college boards, the following is presented as a general overview of the statutory provisions of those states that have community colleges with local governing boards.¹

The survey strategy is to develop a general analysis and a state-by-state overview of those portions of the state laws that specifically deal with the composition, function, power and duty of local community college boards that act as the legal corporate bodies for institutional governance and control.² A comprehensive review of all aspects of the community college laws is beyond the scope of this study.

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Educational institutions in the United States may be divided into two categories: public and private. Private institutions are owned and operated either by non-profit charitable corporations and trusts or by proprietary profit-seeking corporations or individuals. There are nearly 200 American non-proprietary private junior colleges (see Table I). Public institutions are owned and operated on a not-for-profit basis by some branch of local, state or federal government. There are more than 1000 public two-year institutions in this country (see Table II); some of which are technical institutes, liberal arts junior colleges, university branches and comprehensive community colleges; some with state board control, some with local control and some with shared authority (see Table III).

Twenty-nine states have community colleges or community college-like institutions that have local governing boards of trustees (see Table IV). These states have 585 institutions with 707 campuses, 548 boards and nearly 4,000 trustees.³ These boards as a group have the power of legal governance and operational control for their respective colleges.

Boards as Corporations

Two-year colleges, as with most organized human activities, require a legal basis for operation. In the United States this has been achieved in both private and public colleges through some means of incorporation: charitable corporations for private colleges, public corporations for public colleges.⁴ For locally governed community colleges, the corporate body (with exceptions) has followed the Scottish university model of

governance by prominent lay representatives of the community.⁵ These representatives, whether appointed or elected, act together as an artificial individual whose life is not dependent upon the life or term of each representative. For public institutions, there are four means by which their boards may be established as public corporations: by constitutional provision, by charter under the state laws pertaining to corporations, by authorization in statutory enactment and by action of a taxing district. Most community colleges are established by the latter two, and according to Henderson⁶ may be styled as a department of the state rather than a public corporation by the courts, under certain circumstances. It is also interesting that the boards of public institutions have been construed by the courts in the past, for various reasons, as private corporations.⁷ The important factor is that these boards, of whatever legal coloration, act in accordance with their charter as corporations with certain express and certain implied powers, duties and responsibilities.⁸

Boards of trustees as corporations can legally act only as a unity, only as legally mandated and only when officially assembled. The action of any single trustee, even the chairman, has no binding effect; the board can only act as a body. Likewise, liability of the board extends only to the resources of the board and not individual members, under most circumstances.⁹

Board members are most commonly called trustees because their role is essentially one of trust or fiduciary relationships, although such boards are not strictly trusts. Ordinarily a board has full authority within the scope of its charter for both express and implied powers.

Even though a board may delegate substantial authority to its employees, the board legally retains full legal authority and responsibility for the college.¹⁰

Board Powers

The powers vested with a board of trustees depend upon the specific type of corporation it is, as delimited by legislation and by judicial decisions. For the community college board of trustees as a governing board and corporation, of whatever type, there are certain powers¹¹ expressly listed in the statutes of establishment and certain implied powers vested in all such corporations.

The principal powers of public college boards either expressed or implied according to charter and statute include:

The Powers of Corporation--Those enumerated powers of the charter of the college, the laws of the state of its incorporation (including the "community college law"), and the general principles of corporate law, including but not limited to the following.

The Power to Have a Corporate Name--To adopt and defend the official name of the institution and its board (and district).

The Power to Act as a Corporate Body--To meet in a prescribed manner in order to act legally as an entity.

The Power to Adopt Bylaws--To develop rules for the conduct of the corporation.

The Power to Elect Corporate Officers--To elect a chairman and other officers of the corporation.

The Power to Have and Use a Corporate Seal--A medieval artifact, which essentially demonstrates that the board may legally act, including the execution of contracts, deeds, mortgages and bonds.

The Power to Establish Policy--To develop rules, regulations, guidelines, objectives, goals, etc. for implementation by the employees of the board; including the fundamental purposes of the institution.

The Power of Visitation--To visit and ascertain the general condition of the institution; to oversee generally its operation.

The Power to Have Property Rights--To have, hold, receive, dispose of, buy, sell, lease, rent real and personal property.

The Power of Eminent Domain--To identify, condemn, compensate for, and acquire title to real property needed by the college.

The Power to Preserve the Assets of the Institution--To assure the capital resources and financial viability of the institution.

The Power to Select and Employ the President--To employ and if necessary terminate the chief administrative officer of the college.

The Power to Employ Personnel--To employ teachers, administrators and other staff.

The Power to Enter Into Contracts--As an artificial person to contract as would a true individual.

The Power to Sue and Be Sued--To enter into litigation and to defend against litigation.

The Power to Incur Debt--As would an individual, incur certain types of short-term obligations.

The Power to Issue Bonds--Per voter approval and statutory provisions, issue bonds for specific purposes.

The Power to Levy Ad Valorem Tax--Per voter approval and statutory provisions, call for tax on property.

The Power to Serve as a Court of Appeal--To serve as the point of last appeal for issues relating to due process within the college.

The Power to Award Degrees--To recognize officially, in the name of the college, successful student performance through degrees, diplomas and certificates.¹²

To be sure, not all community colleges are governed by boards whose powers include all of the above. In some states what could be local board powers are reserved by statute, charter or constitution to state level authorities.¹³ Table IV, lists implied, expressed and proscribed powers for the 29 states that have community colleges governed by local boards of trustees. No state community college law specifies all of the 20 powers arbitrarily listed as being the principal powers of boards. The power of acting as a court of appeal is not expressly stated in any of the acts reviewed. Some powers are reserved for the state board in a few states.

Table V, lists the enumerated board duties and responsibilities that state law requires to be performed. Table VI lists those duties and responsibilities which may be considered to be optional, even though such permissive items under certain circumstances are quite mandatory. Mandatory or compulsory provisions refer to commands in the law for which disregard or disobedience is unlawful.¹⁴ Few useful generalizations may be drawn from what is or is not included in the laws, or which items are of a permissive or mandatory nature. Some states include great detail in their community college laws and others provide few mandates for their local boards.

Fourteen states (see Table VII) designate their boards as "boards of trustees." There are a full dozen other board titles expressed in the laws. Table VII also lists the statutory designations of the respective boards as corporations and governmental entities.

Composition

Appointed and elected board trustees are uniformly drawn from the local community college districts and are usually specified to be qualified electors, or in some cases ex-officio officers. Several states provide for non-voting student board members.

Trustees are either elected or appointed. Appointed members are chosen by the governor, county government, school boards, mayors or a combination of authorities. The number of trustees per board varies from five to a possible 36 members, though the rough average seems to be seven. Terms of office vary from three to nine years, with an average of approximately five years (see Table VIII).

A few states have legal specifications for board meetings. Ten specify frequency of meetings: "per board rules" or "regular" (AZ, IL, IO, OR), monthly (CA, ID, MD, MT) and quarterly (NM, OR). Only three (CA, MT, OR) refer to place. Nine (AZ, CA, ID, IA, IL, MT, NM, NC, OR) mention special meetings. Twelve (AZ, FL, ID, IL, MT, NJ, OR, PA, SC, TX, WA, WI) specify annual organizational meetings. Eleven states set the meeting quorum at a majority of members (FL, ID, IA, MD, MI, MS, MO, MT, OH, OR, WA) and nine states require a majority of members in order to officially act (IL, MD, MI, MS, MT, OH, OR, TX, WA) and one specifies action of the majority of board members present (NB). Only California,

Iowa and Michigan refer to open and closed meetings; Michigan boards must conform to the state's open meetings act. Eleven state laws require the boards to keep minutes and records of board action (CA, IA, MI, MT, OH, OR, SC, TX, WA, WI, WY).

Fourteen states (CA, FL, IA, MI, MS, NJ, NY, NC, ND, OH, OR, PA, TX, WI) permit meeting expense reimbursement for trustees. Two states, in addition, provide for trustee compensation or per diem for attending meetings (CA, MS); two states (IA, MI) compensate the board secretary and treasurer only, and one state (TX) provides for compensation of trustees for regional community colleges only.

Board Liability

The issue of legal liability is one of which trustees tend to be mindful. Although the corporate nature of the board tends to shelter the individual board member from personal liability¹⁵, the board as an entity may be held liable for certain actions or inactions and its assets taken in judgment.

Hendrickson and Mangum¹⁶ list the following types of liability a public college board may encounter:

- Civil liability;
 - Contract liability,
 - Tort liability,
 - General torts,
 - Supervisory torts,
 - Fiduciary torts.
- Criminal liability;
 - Crimes against the person,
 - Crimes against property,
 - Crimes against society.

They indicate that boards may be held liable for all or any of these, that the doctrine of sovereign immunity has been severely restricted and that in fact, when sovereign immunity is still in force the effect may well be "only to shift liability from administrators and trustees acting in their official capacities to those persons acting as individuals."¹⁷

The community college laws have comparatively little to say about board liability. A few states provide specific immunity: Arizona, "Members of the district board are immune from personal liability with respect to all acts done and actions taken in good faith within their scope of authority during duly constituted regular and special meetings" (Section 15-678 C); California, "The nonvoting student member shall not be liable for any acts of the governing board", (Section 72023.5); Illinois, "Members of a board issuing bonds pursuant to [this section of the law] incur no personal liability", (122 Section 103A-29).

Other states require liability insurance: Arizona, Illinois, California, North Carolina. North Carolina waives governmental immunity for negligence of its agents and employees to the extent of its liability insurance. In Florida, the board may defend and save harmless an officer of the board, board members or employees, from civil suit arising from the performance of duties; and may arrange for appropriate liability insurance.

A few other community college laws specifically provide for liability. "The governing board of any community college district is liable at risk in the name of the district for all debts and contracts,... [s]hall pay any judgment for debts, liabilities in damages

to the credit of the district, subject to the limitation on the use of the funds provided in the California Constitution." In certain suits the local board may call on the county district attorney to provide defense. The board, in addition, must insure for district liability and for personal liability of board members; and may provide other insurance for liability and loss, (California, Sections 72500-72511). "Any member or officer of the board, any officer of the city or any other person holding any trust or employment under the board or city who wilfully violates any of the provisions [dealing with the finance of districts over of 500,000 persons] shall be guilty of a business offense and may be fined not exceeding \$10,000 and forfeits his right to and should be removed from his office, trust or employment," (Illinois, Section 107-17). "The city [Chicago] is not liable for the board's expenditures which exceed those total estimated receipts," (Illinois, Section 107-19). And, "the local sponsor for a community college in the city of New York should be liable for, and should assume liability to the extent that it should save harmless any debt", (New York, Section 6308).

The importance of protecting against liability cannot be overstated whether by immunity, indemnification, insurance or preventive practices. Key to safeguarding the board and its individual members is the retention of good legal counsel, which a few state laws mention (see Tables V and VI).

The Board and the President

The relationship between the board and the college president is one that has been researched and discussed extensively. Morgan's study¹⁸ is highly descriptive. The president is at once the selected employee of

the board, its advisor and informant, administrator of board policy and orchestrator of relations among the board, the community, faculty and students. "Boards take their jobs and their presidents seriously. They view the chief function of the president as that of administering the college along policy lines set by the board members."¹⁹

The role of the president is mentioned in the statutes with surprising infrequency. California law characterizes the superintendent (president) as the chief executive officer of the board. In Florida he or she is the executive officer and corporate secretary of the board. The president in Illinois is the chief administrative officer and the executive officer of the board. In Kansas the president is the chief administrative officer of the college and may be the board secretary. In Washington the president may be the board secretary but not a voting board member. Mississippi law specifies, "He shall be the general manager of all fiscal and administrative affairs of the district...." In Pennsylvania, "He has the right to attend all meetings of the board and to be heard on all matters before it, but shall have no right to vote on any matter." Florida law specifies that the college president may be required to produce any data and information required by the board and that the board may act without the recommendation of the president.

Conclusion

What may be concluded is that the principle of local control of public two year colleges is still a viable concept in the United States. Twenty-nine states have community colleges that are governed to a large

degree by local or individual boards of trustees. Powers and responsibilities vary greatly among these states, however. Apart from the basic corporate and governmental prerogatives that most such boards share, there is much diversity of what is provided in the laws of the individual states. Local control and diversity of action are attributes that are a part of our history and firmly set in our social consciousness.

There now is an ongoing dialog about, if not a contest between, proponents of local control and those of state level control. Many states have elected to establish state controlled community college systems with much success. Increasing state control, however, is not seen as altogether positive by many local trustees and it would appear that many trustees have grounds for worry. Martorana and McGuire concluded in their report of the 1976 study, "The states are exercising increasing control and coordination over the development and administration of public community colleges."²⁰ Campbell, a college president, in 1978,²¹ characterized the situation in the following language:

As each year passes it seems to bring new forms of regulatory control. These controls may be from the governor's office, the legislature, the state licensing agencies, labor organizations, federal agencies, or the attorney general's office. The encroachment is like a fungus, not altogether visible but over the years it has slowly taken over control of the host. I predict that when the local citizens awaken, the death knell for local autonomy has sounded.²²

Community college trustees in many states could probably cite concrete examples of such increased loss of control to non-local authorities. If local control of community colleges is to be maintained as one of

several options for college governance, it will be imperative for local governing boards to insist on retaining their powers.

TABLE I
Private Two-Year Colleges in U.S.*

AL - 5	HI - 0	MA - 14	SD - 3	NM - 0
AK - 1	ID - 2	MI - 3	NY - 15	TN - 7
AZ - 1	IL - 7	MN - 4	NC - 10	TX - 6
AR - 4	IN - 2	MS - 3	ND - 0	UT - 0
CA - 5	IA - 5	MO - 5	OH - 4	VT - 5
CO - 0	KS - 4	MT - 0	OK - 3	VA - 2
CT - 5	KY - 7	NB - 1	OR - 2	WA - 0
DE - 3	LA - 0	NV - 0	PA - 12	WV - 2
FL - 3	ME - 1	NH - 3	RI - 1	WI - 2
GA - 7	MD - 2	NJ - 3	SC - 5	WY - 0

Total - 179

* Sandra L. Drake, ed., Community, Junior and Technical College Directory 1978, (Washington, D.C., 1978.)

TABLE II
Public Two-Year Colleges in the U.S.*

State-Institutional Type	Colleges	Campuses	Local Gov. Board
AL - State Junior Colleges	20	10	No
State Technical Colleges	12	12	No
AK - State University Community College			
Branches	12	12	No
AZ - Community Colleges	9	17	Yes
AR - Community Colleges	6	6	Yes
State University Branches, 2-Year	3	3	No
CA - Community Colleges	106	126	Yes
CO - Community Colleges	3	4	Yes
State Community Colleges	8	10	No
State University Branch, 2-year	1	1	No
CT - Community Colleges	12	12	No
State Technical Colleges	5	5	No
DE - State Technical and Community College	1	4	No
FL - Community Colleges	28	36	Yes
GA - Community College	1	1	Yes+
State (Community) Junior Colleges	17	17	No
HI - State University Community College			
Branches	7	7	No
ID - State Junior Colleges	2	2	Yes
IL - Community Colleges	39	51	Yes
IN - State Technical Colleges	1	13	No
State Junior College	1	1	No
IA - Community Colleges	13	24	Yes
Area Vocational Schools	2	3	Yes
KS - Community Junior Colleges	19	19	Yes
Indian Junior College	1	1	No
State Technical Institute	1	1	No
KY - State Community Colleges	13	15	No
LA - State University 2-year Branches	4	5	No
ME - State University 2-year Branches	2	2	No
Vocational-Technical Institutes	6	6	No
MD - Community Colleges	17	19	Yes
MA - (State) Community Colleges	15	16	No
Municipal Junior College	1	1	No
Technical Institutes	2	2	No
MI - Community Colleges	29	33	Yes+
MN - (State) Community Colleges	18	18	No
State University Technical College	2	2	No
MS - (Community) Junior Colleges	16	18	Yes+
MO - Community Colleges	10	15	Yes
MT - Community Colleges	3	3	Yes

State-Institutional Type	Colleges	Campuses	Local Gov. Boards
NB - Community and Technical Community Colleges	6	11	Yes
State University Technical 2-year Branch 1	1	1	No
NV - State University Community College Division	3	4	No
NH - Technical Institutes and Vocational-Technical Colleges	7	7	No
NJ - Community Colleges	17	18	Yes
NM - Community College	1	1	Yes
Community College	1	3	No
State University Branch Community Colleges	8	8	No++
State 2-year Military Institute	1	1	No
NY - Community Colleges	37	39	Yes+
State University 2-year Technical Branches	6	6	No
NC - Community Colleges	19	19	Yes
Technical Institutes	37	37	Yes
ND - Public Junior Colleges	2	2	Yes+
University Branches	2	2	No
State Two-Year Science School	1	1	No
OH - Community Colleges	5	7	Yes+
State Community Colleges (General & Technical)	3	4	Yes
Technical Colleges (Institutes)	16	16	Yes
State University 2-year Branches	24	24	No
OK - Municipal Junior College	1	1	Yes
State 2-year Colleges	11	11	Yes
State University Branches	3	3	No
OR - Community Colleges	13	13	Yes
PA - Community Colleges	14	17	Yes
RI - (State) Community College	1	1	No
SC - Technical Colleges & Centers	16	18	Yes
Two-Year Branches of the State University	5	5	No
SD - State College Two-Year Branch	1	1	No
Tribal Community College	1	1	No
TN - State Community Colleges	10	10	No
State Technical Institutes	3	3	No
TX - Community Colleges	47	58	Yes+
Two-Year University Branches	2	2	No
State Technical Institute	1	4	No
UT - (State Community) Junior and Technical Colleges	5	5	No
VT - State Community College	1	0***	No
State Technical College	1	1	No
VA - Community Colleges	23	34	No
WA - Community Colleges	23	27	Yes

State-Institutional Type	Colleges	Campuses	Local Gov. Boards
WV - State & University Branch Community Colleges	7	10	No
WI - State University 2-Year Branches	14	14	No
Technical Institutes	15	36	Yes
WY - Community Colleges	7	7	Yes

*Sandra L. Drake, ed., Community, Junior and Technical College Directory 1978, (Washington, DC., 1978.)

Edmund J. Gleazer, Jr., ed., American Junior Colleges, (Washington, DC, 1971.) Also information found in the statutes of the states, see footnote no. 1.

****Constitutional Regents**

***Community colleges of Vermont has no campus. It has regional offices and local offices in 15 localities.

+Local school boards serve, or may serve as local community college governing boards (local school boards govern two TX colleges.)

++Local school boards may serve as local community college advisory boards.

TABLE III
Governance of Public Two-Year Colleges*
(Underlined states have local governing boards)

Alabama:	The State Board of Education governs the 20 state junior colleges and the 12 state technical colleges.
Alaska:	The Board of Regents governs the 12 community college branches of the University of Alaska.
<u>Arizona:</u>	The 9 community colleges are governed by local junior college district governing boards with coordination by the State Board of Directors for Junior Colleges.
<u>Arkansas:</u>	The 6 community colleges are governed by the local boards with coordination by the State Board of Higher Education which is also the State Community College Board; the 3 two-year university branches are governed by their respective parent institution boards.
<u>California:</u>	The 106 community colleges are governed by 70 local district boards of trustees with coordination by the Board of Governors of the California Community Colleges.
<u>Colorado:</u>	Three community colleges are governed by local boards of trustees with coordination by the State Board for Community Colleges and Occupational Education, which also governs 8 state community junior colleges; there is one two-year state university branch.
Connecticut:	The 12 regional community colleges are governed by the Board of Trustees of Regional Community Colleges, each advised by a local regional council. Five two-year state technical colleges are governed by their state board, and also advised by a local regional council.
Delaware:	The Delaware Technical and Community Colleges has four campuses governed by one board of trustees.
<u>Florida:</u>	The 28 community colleges are governed by local boards of trustees with coordination by the State Board of Education.
Georgia:	Seventeen public two-year colleges are governed by the Regents of the University System of Georgia, one community college is governed by a public school district.
Hawaii:	The 7 community college branches of the state university are governed by the Board of Regents of University of Hawaii.
<u>Idaho:</u>	Two community colleges are governed by local boards of trustees, with coordination by the State Board of Education.

- Illinois: There are 38 community college districts which are governed by local boards of trustees (37 locally elected, plus one appointed by the Mayor of Chicago with confirmation by the Chicago City Council) with coordination by the Illinois Community College Board, and one district governed by a board appointed by the governor with coordination by the Illinois Community College Board.
- Indiana: Vincennes University (state junior college) and the 13 constituent institutions (each of which has an advisory board) of the Indiana Vocational Technical College both have separate boards; overall governance of the latter is provided by the Trustees of the Indiana Vocational Technical College.
- Iowa: The 13 community colleges and the 2 area vocational schools are governed by local area boards of directors, with coordination by the State Board of Public Instruction.
- Kansas: The 19 community junior colleges are governed by local boards of trustees, with supervision provided by the State Board of Education. There is, in addition, a public Indian junior college and a state technical institute.
- Kentucky: The 13 community colleges of the state university system are governed by the University of Kentucky Board of Trustees, with local advisory boards for each college.
- Louisiana: The 4 public two-year colleges are governed by three systems of higher education: Louisiana State University Board of Supervisors - 2, Southern University Board of Supervisors - 1, Board of Trustees for State Colleges and Universities - 1; each has its own local advisory committee. There are two local high schools with grades 13 and 14, styled as "community colleges."
- Maine: Two community colleges are governed by the University of Maine Board of Trustees, 6 vocational technical institutes are under the control of the State Board of education.
- Maryland: The 17 community colleges are governed by local boards of trustees, with coordination by the Maryland State Board for Community Colleges.
- Massachusetts: The 15 regional community colleges are controlled by the Massachusetts Board of Regional Community Colleges, with local advisory boards. One municipal junior college is city governed and funded. And there are two technical institutes which are a part of regional vocational districts.

- Michigan: The 29 public community and junior colleges are governed either by local school boards or local community college boards of trustees; coordination is provided by the State Board of Education, which is advised by the State Board for Public Community and Junior Colleges.
- Minnesota: The 18 community colleges are governed by the State Board for Community Colleges, each institution has a local advisory board; two two-year technical colleges are under University control.
- Mississippi: The 16 (community) junior colleges are governed by local junior college boards of trustees, (two of which are municipal school boards) with state coordination by the Junior College Commission.
- Missouri: The 10 community colleges are governed by local boards of trustees, with coordination by the State Boards of Education.
- Montana: The 3 community colleges are governed by local boards of trustees, with coordination by the Board of Regents of Higher Education.
- Nebraska: The 6 community colleges are governed by local boards of trustees, with coordination by the Nebraska Coordinating Commission for Postsecondary Education. One two-year University branch is under the parent board's control.
- Nevada: The 3 community colleges of the University of Nevada are governed by the University of Nevada Board of Regents; these have local advisory boards.
- New Hampshire: There are no community colleges in the state, however, the State Board of Education operates 2 technical institutes, and 6 vocational-technical colleges.
- New Jersey: The 16 community colleges and a county coordinating agency for higher education are governed by local boards of trustees, with coordination by the State Board of Higher Education.
- New Mexico: The one district (community) junior college has a local board of trustees which has coordination by the State Board of Education Finance; in addition there are 8 branch community colleges each governed by the boards of regents of the parent universities, local school boards serve as advisory boards to these colleges; and a constitutional two-year military institute and a constitutional community college.

- New York: The 37 community colleges are governed by local boards of trustees, with coordination by the State University of New York Board of Trustees. In addition there are 8 technical branches of state universities.
- North Carolina: The 19 community colleges and the 37 technical institutes are governed by local boards of trustees, with coordination by the State Board of Education.
- North Dakota: The two public junior colleges are governed by local school boards, with state coordination by the State Board of Higher Education and the State Board for Vocational Education. Two two-year university branches are governed by parent institution boards. The State School of Science is governed by the State Board of Higher Education.
- Ohio: The 5 community colleges, 3 state community colleges and 16 technical colleges are governed by local boards of trustees, with state coordination by the Ohio Board of Regents. There are 23 two-year university branches controlled by the parent institution boards, and one technical institute.
- Oklahoma: Eleven state (community) junior colleges are governed by individual boards of regents; two two-year state colleges and state university branches are governed by a multi-institution board. There is one municipal junior college with its own governing board. All are coordinated by the Oklahoma State Regents for Higher Education.
- Oregon: The 13 community colleges are governed by local boards of trustees, with coordination provided by the State Board of Education.
- Pennsylvania: The 14 community colleges are governed by local boards of trustees, with coordination provided by the State Board of Education.
- Rhode Island: The single state community college is governed by the Board of Regents for Education.
- South Carolina: The 16 postsecondary colleges and centers are governed by local area commissions, with coordination by the State Board of Technical and Comprehensive Education. Five two-year branches of the state university are governed by its board.
- South Dakota: There are no community colleges in the state; there is one Indian college governed by the tribal council and a state college branch controlled by its parent board.

- Tennessee: The 10 state community colleges are governed by the State Board of Regents, each with a local advisory board. The three technical institutes are governed by the State Board of Education.
- Texas: The 47 community college districts are governed by local boards of trustees, with coordination provided by the Coordinating Board of the Texas College and University System. The state technical institute is governed by the Texas State Technical Institute Board of Regents, and there are 2 two-year university branches under the control of the parent institution's board.
- Utah: The five public two-year colleges are governed by the State board of regents, though each may have a local advisory institutional council.
- Vermont: The 2 public two-year institutions are governed by a public corporation, Vermont State Colleges, Inc.; each has a local advisory committee.
- Virginia: The 23 community colleges are governed by the State Board for Community Colleges with the local community college boards serving in an advisory capacity.
- Washington: The 23 community colleges are governed by local boards of trustees, with coordination by the State Board for Community College Education.
- West Virginia: The 7 state and university branch community colleges are under the control of the West Virginia Board of Regents, 3 are free standing institutions and 4 are branches of four-year state colleges; each may elect to appoint an individual advisory council.
- Wisconsin: The 15 technical institutes are governed by local district boards, with coordination provided by the Board of Vocational, Technical and Adult Education. In addition, there are 14 two-year state university branches governed by the University of Wisconsin Board of Regents.
- Wyoming: The 7 community colleges are governed by district boards, coordination is provided by the Wyoming Community College Commission.

*Edmond J. Gleazer, Jr., ed., American Junior Colleges, (Washington, D.C., 1971). And state statutes see footnote no. 1. (Here governance refers to the control the legal entity has over the institution; while a differentiation is made between local board control and state level control, no attempt is made to describe the degree of state level control as did Wattenbarger and Sakaguchi, op. cit., who categorized state board power in three categories: coordinating, governing and coordinating/governing.)

TABLE IV
Principal Express and Implied Powers of Public Community College Boards
Twenty-Nine States with Local Governing Boards*

(a) Specifically enumerated in the statutes (b) Not enumerated, assumed to be an implied power (c) Not a local power, or unknown
(d) A power of the state board

The Power:	AZ	AR	CA	CO	FL	ID	IL	IA	KS	MD	MI	MS	MO	MT	NE	NJ	NH	NY	NC	ND	OH	OK	OR	PA	SC	TX	WA	WI	WY
Of Corporation**	b	a	a	c	a	a	a	a	a	b	b	a	b	a	a	a	b	a	a	a	a	b	a	a	a	b	a	b	b
To adopt a corporate name	b	b	a	c	b	b	a	b	b	a	a	b	b	b	b	a	b	b	a	b	b	b	b	b	b	b	b	b	b
To act as a corporate body, #	a	a	a	c	a	a	a	a	a	a	a	a	a	b	a	a	b	b	a	b	a	b	a	a	a	a	a	b	a
To adopt bylaws	b	b	a	c	b	a	b	a	a	a	b	b	b	b	b	b	b	b	b	b	a	b	a	b	a	a	a	b	a
To elect corporate officers	a	a	a	c	a	a	a	a	a	a	a	b	a	b	b	a	b	a	a	a	b	a	a	a	a	a	a	a	a
To have and use a corporate seal	b	a	b	c	b	a	b	b	b	a	b	a	a	a	b	a	b	b	b	b	a	b	b	b	a	a	a	b	a
To establish policy	a	a	a	c	a	b	a	a	a	b	a	b	a	a	a	a	a	b	b	b	a	a	a	b	a	a	a	b	b
Of visitation	a	b	a	c	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b
Of property rights ##	a+	a	a	c	a	a	a	a	a	a	a	a	a+	a	a	a	a	a+	a	a+	a	a	a	a	a	a	a	b	a
Of eminent domain	c	a	a	c	a	b	c	c	a	a	a	b	b	b	a	a	b	b	a	c	a	c	a	c	a	a	b	c	b
To preserve institutional assets	b	a	b	c	b	a	a	a	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b
To select and employ a president	a	a	a	c	a	a	a	b	a	a	a	a	a	a	a	a	a	a	a	b	a	b	a	a	a	a	a	a	a
To employ personnel	a	a	a	c	b	a	a	b	a	a	a	a	a	a	a	a	a	b	a	a	a	a	a	b	a	b	a	a	b
To enter into contracts	b	a	a	c	a	a	a	a	a	a	a	b	a	b	a	a	b	a	a	b	a	a	a	a	b	b	b	a	a
To sue and be sued	b	b	a	c	a	a	b	a	a	a	b	b	a	a	a	b	b	b	a	b	a	b	a	b	a	a	b	b	a
To incur debt	b	b	b	c	a	b	a	b	b	b	a	b	b	a	b	a	b	b	b	b	a	b	b	b	b	b	a	b	b
To issue bonds	c	a	c	c	c	a	a	a	c	c	a	b	d	a	a	a	a	c	d	c	a	a	b	b	b	a	a	a	a
To levy tax	c	b	c	c	c	a	a	a	a	c	a	b	a	a	a	a	a	c	a	c	a	b	a	c	c	a	c	a	a
To serve as a court of appeal	b	b	b	c	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b	b
To award degrees	a	a	b	c	b	a	b	b	b	b	a	b	b	a	a	a	a	b	b	b	a	d	b	b	a	b	a	b	a

* State statutes, see footnote no. 1.

** That is, all rights implied for corporations of this type, except otherwise prohibited. For example, Vernon's Texas Codes Annotated, Section 130-002: "All authority not vested by this chapter or by other laws of the state in the coordinating board or in the Central Education Agency is reserved and retained locally in each of the respective public junior college districts or in the governing boards of such junior colleges as provided in the laws applicable."

Execute purposes of, control, supervise, govern, operate the corporation.

Some statutes provide for specific property rights: water rights - ID, copyrights - CA, patents and copyrights - IA, rights to intellectual property - OR, to sell manufactured articles - WI.

+ Rights to personal property, though not to real property.

TABLE V
Enumerated Mandatory Powers, Authority, Duties & Responsibilities of
Community College Local Governing Boards*

OPERATION & CONTROL

Operate the college - CA, FL, MI, PA
Operate the college for a specified period each year - AZ, CA
Exclude sectarian, partisan books and materials - AZ
Assume general responsibility for the operation of the institution - OK, MI
Control the district - CA
Determine holidays observed - CA
Keep accurate records, accounts - CA, FL, IL, MD, MT, OK, OH, SC
Prescribe textbooks - ID
Set time and standard for graduation - ID
Make and file an official district map - IL
Admit qualified students - CA, IL
Make an annual report to the state - CA, KS, NJ, WA, WI
Apply admission and graduation standards of state board - CA, NC
Direct the college administration - MI, MS
Operate on a fiscal year basis - IL, SC
Control access and use of property - MI, OR
Maintain programs and services - MI, OR
Supervise, control, operate the college - MI, MT, NB,
Promote the general welfare of the institution - NM
Exercise all necessary powers, not proscribed - AR, CA, IL, IA, KS
MS, NB, NJ, NY, NC, ND, OH, OR, PA, SC, TX, WA

CURRICULA

Implement state prescribed curricula - AZ
Control general academic policy and administration - MI, OK
Use state prescribed textbooks - AZ
Determine the educational program, curriculum - AR, CA, IA, KS, MD, MI
Provide educational master plan - CA
Approve procedures for adoption of instructional materials - CA
Establish academic standards - CA
Provide evidence to state board that program is adequate - FL
Adopt curricula - NY
Determine the academic term - IL
Apply to state board for approval of new instructional units - IL, IA
Determine educational program as approved - KS
Insure educational opportunity to all district enrollees - MS
Adopt, develop, offer curriculum - OH, OR, NB
Create comprehensive programs - WA
Prescribe the course of study, publish catalogs - NB, WA
Prescribe the course of study - ND
Grant degrees, certificates - AZ, AR, ID, MI, MT, NB, NJ, NM, OH, SC, WA, WY
Authorize instruction in nonacademic subjects - ID

EMPLOYMENT

Determine salaries, terms of employment - AZ, AK ID, IL, IO, MD, MO, NB
Remove employees for cause - AZ, IL
Appoint needed security officers - AZ, IL
Appoint, set term and salary of president - AZ, AR, CA, FL, ID, IA, IL, KS, MD, MI, MS, MT, NB, NM, NJ, NY, NC, OH, OR, PA, SC, TX, WA, WI
Employ necessary personnel - AZ, AR, CA, ID, IL, KS, MD, MI, MO, MT, NB, NJ, NM, NC, ND, OH, OK, OR, SC, WA
Establish evaluation procedures for certified employees - CA, IL
Fix and prescribe duties for all employees - CA, ID
Fix salaries, tenure of employees - MD
Employ legal counsel - ID
Set qualifications, employ professional and non-professional persons - ID, NY
Provide for faculty tenure - IL, MD, WA
Secure insurance benefits for employees - IL
Contract for consultant services - OR
Retain consultants in education, law, engineering - OH

LIABILITY & INSURANCE

Insure property against loss - AZ, IL
Provide liability insurance, indemnify - CA, IL
Insure property against fire and casualty - NC, OH
Acquire fidelity insurance for board and employees - MI, OH
Insure for liability - OH

FEES & TUITION

Fix tuition rates annually, within state set limits - ID, IL, IA, MD, MO, NB, OH, OR, PA, TX, WI
Establish and collect tuition for resident and non-resident students - MI
Fix resident and non-resident fees - MT, NB, NM, OH
Prescribe and collect fees - MT, OR

FINANCE

Accept money and property - AR, ID, IA, KS, MD, MI, PA, WA
Develop annual budget for state board approval - FL, IA, MI, MT, NJ
Develop biennial budget for state board approval - AR, WY
Present annual budget to public, local government - AZ, NC, NJ, NY, SC
Recommend annual property tax levy to county - AZ, ID, IL, IA, KS, MI, MO, MS OH, OR, TX, WI, WY
Accept gifts, grants, property, hold interest, invest, expend - ID, IA, MT, NB, NC, NY, OH, PA, SC, TX, WI
Issue bonds for capital outlay - AZ, ID, IA, IL, MI, MT, NB, NJ, NM, OH, OK, TX, WA, WY
Incur debt - FL, NJ
Invest college funds - ID, IL, MI
Adopt an annual budget - IL, IA, MS, MT
Fix and collect district ad valorem taxes, within set limits - ID, IL, IA, MD, MI, MT, NM, TX, WI

Establish fiscal year which conforms to fiscal year of state - NB
Adopt annual budget, including tax requirements - MI, WY
Control all receipts and disbursements - MT
Deposit college district monies with the county treasurer - MT
Participate in teacher retirement system - MI, MT
Control purchasing - OK
Fix the fiscal year - IL
Commission an annual audit - ID, IL, MI, WI
Publish an annual financial statement - ID, IL
Apply annually for state aid - WI
Collect, hold and disburse revenues - IL, IA
Establish a working cash fund - IL
Receive and expend federal and state aid, donations, student fees - IA, MD, WY
Provide required data annually to state for state aid - IL, IA
Dispose, lease, sell college assets - MD, MI
Prepare annual capital and operational budgets - MD, NC
Advertise for bids for purchases over a given amount - MD
Bond treasurer and other fiscal officers - MI, NB
Conduct an annual audit, file with state - MI, NB
Invest gifts - NB, NC
Apply for local tax funds - NC
Present annual budget to the local sponsor - PA
Expend funds consistent with budget and specific purpose - SC
Accept grants-in-aid - OH
Take, hold and dispose of mortgages - OR
Apply, receive and expend government funds - SC
Prepare an annual estimate of tax levy requirement - OR
Dispose of assets, if college ceases to exist - MI, OH
Control budget administration - OK
File claims for state aid - IL
BOARD ACTION

Keep minutes, journal, records of proceedings - CA, IA, MD, MI, MT, OH, OK, WY
Elect a board president (chairman) - CA, ID, IL, IA, OH, MI, NY, WY
Adopt, enforce bylaws, operations rules - FL, ID, IL, IA, KS, MD, MI, MT, WA
Adopt minimum standards - FL
Appoint a bonded treasurer - IL, IA, MI
Appoint to board vacancies - ID, IL, KS, MI, MO, NB, NM, OR, TX
Fix time and place for regular board meetings - IL
Appoint secretary and treasurer, who may not be board member - MI, OH
Contract - AR, CA, FL, IL, IA, KA, MD, MI, MO, MT, NB, NJ, NY, NC, OK, OH
OR, PA, WI
Sue and be sued - CA, FL, ID, IL, KS, MD, MI, MT, NB, NJ, NC, OH, OR,
SC, TX
Visit, inspect, ascertain status of the college - AZ, CA
Have and use a corporate seal, symbol - AR, ID, MD, MT, MS, MO, NJ,
OH, SC, TX, WA, WY
Elect officers of the board - AZ, CA, FL, ID, IL, IA, KS, MD, MI,
MO, NJ, NY, NC, ND, OH, OR, PA, SC, TX, WA, WI
Act as a corporate entity, body politic - AZ, AR, CA, FL, ID, IL, IA,
KS, MD, MI, MS, MO, MT, NB, NJ, NC, OH, OR, PA, SC, TX, WI

Adopt bylaws for operation of the board - CA, ID, IA, KS, MD, MI,
OH, OR, SC, TX, WA
Adopt a corporate, district college name - CA, IL, MD, MI, NJ, NC, TX

PROPERTY & FACILITIES

Maintain inventory - CA
Provide facilities master plan - CA
Permit public schools to use college facilities - MD
Plan and construct buildings - OK
Locate, purchase, lease, acquire, construct buildings - MI, MT, NB
Grant use of college buildings for temporary non-college use - IL
Acquire sites and buildings - IA, MI
Have custody and be responsible for college property - KA, MI
Have care and custody of property - NY
Provide facilities - OH
Operate and maintain facilities - SC
Purchase property by contract - NB, OR
Establish facilities, with state board approval - WA
Exercise as necessary the power of eminent domain - AR, CA, FL, KS,
MD, MI, NB, NJ, NC, OH, OR, SC, TX
Acquire personal property only - AZ, MO, NY, ND
Acquire real and personal property - AR, CA, FL, ID, IL, IA, KS, MD,
MI, MT, MS, NB, NM, NJ, NC, OK, OH, OR, PA, SC, TX, WI
Adopt facilities plans and specifications prior to bid - NB

SERVICES

Provide auxiliary services - CA, IL
Provide student services - OR
Control student life - OK, MT

POLICY & REGULATIONS

Establish rules governing student conduct - CA
Set admissions requirements - ID, IL, MD, OR
Establish and enforce traffic regulations - IL, NC
Establish and enforce rules for student discipline - MD
Enforce state board rules and regulations - WA
Maintain an open door policy - WA
Prescribe rules for use and access to student records - OR
Establish policies for admission and expulsion of students - PA
Establish policies for instruction - PA
Promulgate rules and regulations - CA, FL, IL, IA, KS, MD, MS, MT
NB, NJ, OK, OH, OR, SC, TX, WA
Establish college policy - AZ, CA, FL, IL, IA, KS, MD, MS, NB, NM,
NJ, OH, OK, OR, SL
Determine educational and financial policies of college - NM
Provide for all persons above 12th grade level and within commuting
distance - MI

MISCELLANEOUS

Participate in district boundry change action - MT, TX
Determine transportation density data annually - FL
Conduct specified elections - IL, IA, MT, NM, WY
Promote faculty development - IA
Prepare a district master plan - OH, TX
Cooperate with other boards and agencies as appropriate - OH
Disseminate public information - OR
Prepare proposal ammendments for state plan - PA
Establish board election districts - NB

*State statutes, see footnote no. 1.

TABLE VI
Enumerated Permissive Powers, Authority, Duties & Responsibilities of
Community College Local Governing Boards*

FEES & TUITION

Set tuition in excess of state minimum - ID, NJ, TX
Assess out-of-district tuition and special fees - MI, TX
Withhold privileges from students who have library books or charges - CA, TX
Impose parking fees, physical education fees - CA, TX
Impose transportation fees - CA, TX
Impose fees for course changes, late applications, etc. - CA, TX
Establish student fees - CA, MS, TX
Use credit card payment systems - FL
Exempt certain students from tuition - TX
Establish fees for use of facilities - WA, TX

FINANCE

Accept, invest, administer, expend gifts, grants, bequests - AZ, CA, IL, MI, TX
Apply directly for federal funds, accept funds - CA, IL, OR, TX
Choose between identical bids by lot - CA, TX
Establish and maintain scholarship and loan funds - CA, TX
Certify direct support organizations (foundations) - FL
Negotiate current loans, with state approval - FL
Issue tax anticipation warrants - IL, NB
Make interfund loans - IL
Seek additional ad valorem tax through referendum - IL, IA, TX
Issue (revenue) bonds for self-liquidating projects - MI, OH, TX, WA
Invest college funds - IL, MI, TX
Purchase books and materials without bids - NJ
Write-off uncollectable, delinquent accounts - FL, TX
Establish bond sinking funds - AR, NB, TX
Refund bonds - NM, TX
Bond officers and employees who handle funds or property - WY, TX

EMPLOYMENT

Employ faculty not meeting certification requirements - CA, TX
Employ exconvict or paroled students - CA
Replace or repair in-the-line-of-duty employee property - CA
Permit use of non-teaching volunteer aides - CA
Employee board secretary, bookkeeper, legal counsel, consultants - CA
Purchase employee annuity contracts - IA, NC
Enroll employees, or persons over 60 without tuition - MD, TX
Negotiate with non-academic personnel organizations - WA
Employ district superintendent, deputy, associate - CA

FACILITIES & PROPERTY

Enter into agreement with schools for shared facilities - NM, TX
Enter into agreements for shared facilities, personnel, services - AR
Conduct capital bond referendums - AZ, AR, OH
Select and acquire or lease sites - CA, IL, MI, TX
Purchase supplies and equipment - CA, MI
Coordinate facilities planning with parks and recreational areas - CA
Provide a home for president (if 20,000 students by 1970, FL only) - FL, TX
Establish new branches, centers and campuses - IL, MI, MS
Use college buildings for civil defense purposes - IL
Lease equipment, buildings, land - IL, TX
Sell used personnel property - IL, MS, TX
Lease, with state approval, buildings - IA
Utilize, with permission, school board property - MD
Establish and maintain a library or museum - MI
Purchase relocatable structures - OR
Lease facilities - OR, TX
Establish dormitories and/or auxiliary services - WA

POLICY & REGULATIONS

Limit district officer campaign expenses, by resolution - CA
Select a quarter or trimester calendar system - CA
Adopt a code of penalties for faculty, student violations - FL
Delegate president to act in name of board - WA
Establish advisory committees - TX, WI
Seek public instruction from district elections - CA
Appoint an executive committee - CA
Act without recommendation of the president - FL, TX
Require all data and information of the president - FL, TX

SERVICES

Provide counseling services - CA, TX
Provide field trips and excursions - CA, TX
Establish auxiliary services - CA, TX
Provide health supervision and services - CA, TX
Contract for services with governmental entities - CA, TX
Conduct adult education - TX, WA
Establish and maintain night schools - TX, WA
Provide transportation - MS, NM, TX, WI
Contract with other institutions for instruction - NC, TX
Enter into cooperative educational programs - ID, IL, IO, KS, MI, OR,
PA, TX, WA
Establish a community college police department - CA
Promote education by research and information - CA, TX

INSURANCE & LIABILITY

Establish an insurance reserve fund - OR
Contract for fire protection - IL
Defend and save harmless board officers and employees in civil suits - FL
Insure against liability - NC

MISCELLANEOUS

Join, pay dues to trustee associations - IA, IL, TX, WA
Establish and operate upper division programs - ID
Levy ad valorem tax for upper division programs - ID
Enter into agreements with other agencies - AK, MI, TX
Enter into specific interstate student common market - AR
Appoint college advisory committees for multi-college districts - CA
Rent or purchase academic regalia - CA, TX
Authorize co-curricular activities - CA
Encourage greater community participation - CA
Change internal boundaries of director districts - IA
Use gifts, auxiliary funds for promotion and public relations - FL, TX

*State laws, see footnote no. 1.

Table VII
Express Title and Designation of Local Community College Boards*

TITLE

"Board of Trustees"(14) - FL, ID, IL, KS, MI, MD, MT, NJ, NY, NC, OH, PA, TX, WA
"Board of Community College Trustees" (1) - MD
"Junior College Board of Trustees" (1) - MS
"Junior College Board" (1) - NM
"District Board" (3) - AZ, WI, WY
"Local Board" (1) - AR
"District Governing Board" (1) - CA
"Board of Governors" (1) - NB
"Board of Directors" (1) - IA
"Board of Education of the Community College District" (1) - OR
"Area Commissioners" (1) - SC
"Board of Control" (1) - ND +
"Board of Regents" (1) - OK

DESIGNATION

"A Body Corporate" (4) - MI, NB, NJ, OK
"A Body Corporate & Subdivision of the State"(2) - MO, MT
"A Political Subdivision & Body Corporate" (1) - OH
"A Body Politic & Corporate" (1) - IL
"A Body Politic as a School Corporation: (1) - IA
"Commissioners for Special Purpose & Body Corporate" (1) - NC
"A Public Corporation" (1) - ID
"A Not-for-Profit Corporation" (1) - SC
"The Governing Body" (1) - KS

*The statutes, see footnote no. 1.

+With the advice of the school board(s).

TABLE VIII
Local Community College Board Composition*

(a) Statute Silent, (b) Information not available				
State	Members	Term	Appointment	Composition
AZ	5	5	Elected	From 5 district precincts
AR	9	6	Elected	Non-partism basis
CA	5,7,8, 9,15+	4	Elected	a
CO	b	b	b	b
FL	5 to 9	4	Appointment++	All participating counties
ID	5	6	Elected	District electors
IL	7+	3, one 6++	Elected+++	Qualified residents
IA	5 to 9	3	Elected	Residents of director district
KA	6	4	Elected	District residents
MD	7 up to 12	6, one 4	Appointed++	Each political subdivision
MI	7,8,9	3,4,6	Elected	Qualified electors
MS	5 to 36	5	Appointed**	Qualified electors, plus elected county superintendent
MD	6	6	Elected	Resident taxpayers
MT	7	3	Elected	Qualified electors
NB	11	4	Elected	Each district
NJ	9	4	Appointed**	Community residents, plus county superintendent
NM	5	6	Elected***	Qualified electors
NY	9(or 21 N.Y.C.)+	9	Appointed##	Community residents
NC	12	8	Appointed##	Community residents
ND	5 or 7	5	Elected	Community residents
OH	9 or 7	3,5 or 6	Appointed####	District residents
OK	5 or 7	5 or 7	Appointed++	a
OR	7	4	Elected	Residents of district
PA	7 to 15	6	Elected###	a
SC	9	3	Appointed#	Regional electors
TX	7,9-14	6	Elected	District residents
WA	5	5	Appointed++	Qualified electors
WI	7	6	Appointed#	District residents
WY	7	b	Elected	Representative of district

*The statutes, see footnote no. 1.

**Appointed by county government.

***Elected or appointed by county school boards.

+Additional appointed or elected non-voting student representative.

++Appointed by governor.

+++Districts with over 500,000 residents, appointed by mayor (Chicago).

#Appointed by governor and county or city government (for N.Y.C., all appointed by the mayor).

##Appointed by governor (4), by county board of commissioners (4), and by school board (4).

###Elected by sponsoring agency.

####Some technical college trustees are appointed by a caucus of the constituent school districts (city, county or exempted village boards of education) in the technical college district.

FOOTNOTES

¹The paper is limited to the explicit statutory provisions found in the "community college law" of each state. Not included are those mandates found in state constitutions, judicial decisions, attorney general rulings, state board bylaws and policies, or in the bylaws and operational policies of the local boards. Specific laws reviewed are: Code of Alabama, Title 52, Section 509 (96); (Arkansas) Act 560 of 1977; Arizona Revised Statutes, Title 15, Chapter 6.1; (California) Reorganized Education Code, Part 45; Colorado Revised Statutes, 1973, Articles 60, 61, 62, 70-72; General Statutes of Connecticut, Chapter 164, Part II 6; Deleware Code, Title 14; Florida Statutes, Chapter 230; Georgia Laws, 1958 Session, Number 53; Hawaii Revised Statutes, Chapter 305; Idaho Code, 33-2106,8; Illinois Revised Statutes 1977, Chapter 122; Indiana Acts, 20-12-61; Code of Iowa, Chapter 28A, 279, 280A, 286A; Kansas Statutes Annotated, Chapter 71, Article 2, 11-15; Annotated Code of Maryland, Article 77A, Sections 1-10; General Law of Massachusetts, Chapter 15; (Michigan) Public Laws of 1966, Act 331; Mississippi Code, Section 37.29; Revised Statutes of Missouri, 178.770-178.880; Revised Code of Montana; Chapters 15,75; Reissue Revised Statutes of Nebraska, Section 79; Nebraska School Laws, Article 26, Sections 79-2638 to 2662; New Jersey Statutes, 18A: 64-1, 29; New Mexico Statutes Annotated, Section 21-14; New York State Education Law, Article 126; General Statutes of North Carolina, Chapter 115A; North Dakota Century Code, Chapter 15; North Dakota Century School Code 1971, 15-18-10; Ohio Revised Code, Chapter 33; (Oklahoma) Session Laws, Ch. 209, Sec. 16 1973, Ch. 396 Sec. 204 1965, Ch. 510 Sec. 606 1965, Chap. 396 Sec. 806 1965, Ch. 158 1972, Ch. 209 Sec. 16 1973, Ch. 396 Sec. 706 1965, Ch. 278 Sec. 4 1968, and Ch. 295 Sec. 3 1969; Oregon Revised Statues, 341; Pennsylvania Statutes, Chapter 24, 5201-14; Rhode Island Public Law, 47; 1976 Acts and Joint Resolutions of the State of South Carolina, Act 654; Tennessee Code, 49-3236, 52; Vernon's Taxes Codes Annotated, Sections 65.01-end; Utah Higher Education Act of 1969, Sections 4-23; Vermont Statutes, Annotated, Title 16, Sections 2171-81; Code of Virginia, 23-192, 23-213, Revised Code of Washington, 288; (West Virginia) Acts, 18-26-9, 136; Wisconsin Statutes, Chapter 38.08; Session Laws of Wyoming, Chapter 252, Wyoming Statutes, Section 21-18-206, to 218.

²Verification of the findings of this analysis was sought of and received from chief state officers for public two-year colleges.

³National total of trustees is estimated by multiplying the 548 boards by an estimated average number of seven trustees per board.

⁴Algo D. Henderson, The Role of the Governing Board, (Washington, D.C., 1967), pp. 3-17.

⁵James G. Paltridge, Julie Hurst, and Anthony Morgan, Boards of Trustees: Their Decision Patterns, (Berkeley, 1973), p. 2.

⁶Henderson, op. cit., p. 5.

⁷Thomas E. Blackwell, College Law; A Guide for Administrators, (Washington, D.C., 1961), pp. 238-240. Trustees of the University of North Carolina v. Foy, 5 N.C. 58 (1805). McLeod v. Normal School Assn. 152 Pa. 575 (1893). Corporate law distinguishes between private and public corporations; however, a discussion of this is beyond the scope of this paper. Most not-for-profit private colleges have boards which are (private) charitable corporations. Public college boards are usually, but not always under all circumstances, public corporations.

⁸Blackwell, op. cit., p. 12, states that institutions with charitable (or eleemosynary) corporations, are charitable in the sense that they are non-profit even though substantial fees may be charged. Also, Madaline K. Remmlein, School law, 2nd ed., (Danville, Illinois) 1962, p. xxviii, states that school districts and school boards, from which many community college boards have evolved and under which some community colleges are now governed:

School districts and school boards are corporate entities. Although there is considerable difference of opinion as to whether school districts are municipal corporations, quasi-municipal corporations, or even quasi-public corporations...The essential fact is that references to the school district or the school board mean the corporate entity, not its composite parts.

Newton Edwards, The Courts and the Public Schools, Rev. ed., (Chicago) 1955), p. 54, describes the local school district as a municipal corporation in that its powers, duties and liabilities are prescribed by statute, and as a quasi-corporation because it is created as an instrumentality of the state to facilitate the administration of government.

⁹Blackwell, op. cit., pp. 42, 43. Henderson, op. cit., p. 9.

¹⁰Henderson, op. cit., pp. 10, 17. Anderson v. Board of Trustees of Community College District No. 526, 372 N.E. 2d 718.

¹¹Power in this paper arbitrarily refers to legal rights and actions that a board possesses as a corporate body and which under most circumstances cannot be delegated. Remmlein, op. cit., p. 334 defines power as, "The authority to do something expressly or impliedly granted." Plenary power, which she defines as "complete power" is not used in describing community college boards because none has such, as a legislature would have.

¹²Blackwell, op. cit., pp. 36-49. Edgar L. Morphet, R.L. Johns, and Theodore L. Reller, Educational Administration: Concepts, Practices and Issues, (Englewood Cliffs, N.J., 1959), p. 238. Henderson, op. cit., pp. 4., 17-21.

¹³For a good discussion of state powers see: James L. Wattenbarger and Melvyn Sakaguchi, State Level Boards for Community Junior Colleges: Patterns of Control and Coordination, (Gainesville, Florida, 1971). And, James L. Watterbarger, William Gager, and Jeffrey Stuckman, The State Director for Community Junior Colleges, (Gainesville, Florida, 1969). The terms governance and control are used synonymously in the literature and tend to overlap; however, for these purposes the former arbitrarily refers to legal board action and the latter to delegated activities for which the board is accountable.

¹⁴Remmlein, op. cit. p. 333.

¹⁵North Carolina law presents an exception as to when the individual board member may be held personally liable:

If a board of trustees shall wilfully erect a debt that shall in any way cause the expense of the year to exceed the amount authorized in the budget; the indebtedness shall not be a valid obligation of the institution and the members of the board responsible for creating the debt may be held personally liable for the same.
(Section 115A-28)

¹⁶Robert M. Hendrickson and R.S. Mangum, Governing Board and Administrator Liability (Washington, 1977), pp. 12-27.

¹⁷Hendrickson and Mangum, op. cit., pp. 12,42-44. In fact, only ten states still have full state immunity: AL, DE, MD, MA, MS, MO, OH, SD, VA and WY; twenty four have full abolition, nine partial abolition and eight have replaced it with required insurance.

¹⁸Don Morgan, "The Junior College Board of Trustees and the President: A Report of a National Survey," in The Junior College Board of Trustees, ed. B.L. Johnson, (Los Angeles, 1970), pp. 29-38.

¹⁹Ibid, p. 37.

²⁰S.V. Martorana and W.G. McGuire, "Survey Confirms Trend Towards State Control," Community and Junior College Journal, September, 1976, p. 8.

²¹Ronald Campbell, "Local Control - Myth or Reality," Community and Junior College Journal, May 1978, pp. 48-50.

²²Ibid, p. 50.

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